

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MAURICE MONTGOMERY,
Plaintiff,

Civ. No. 10-3051-CL

v.

HOWARD'S VALU RITE PHARMACY
aka HOWARD'S DRUGS, et al.,
Defendants.

ORDER

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews the legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983).

I have given this matter *de novo* review. I agree with the Report and Recommendation that plaintiff has not shown any basis for federal jurisdiction, and that no amendment could cure the


jurisdictional defect. Accordingly, I ADOPT the Report and Recommendation of Magistrate Judge Clarke.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#4) is adopted. This action is dismissed without prejudice for lack of subject matter jurisdiction.

IT IS SO ORDERED.

DATED this 21 day of October, 2010.

A handwritten signature in cursive script, reading "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE